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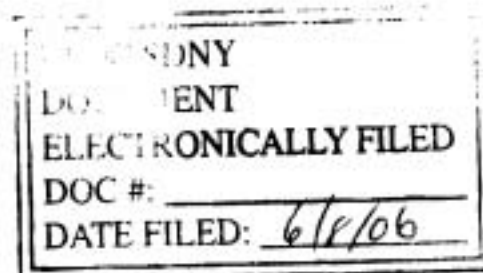
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## MEMO ENDORSED

June 5, 2006

**BY FEDERAL EXPRESS**

The Honorable Kenneth M. Karas  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street, Room 920  
New York, NY 10007



**Re: *United States v. Alberto Vilar and Gary Tanaka*, 05 Cr. 621 (KMK)**

Dear Judge Karas:

The Parties in the above-referenced action respectfully submit this letter proposing certain modifications to the original privilege review schedule agreed to by the Parties and set forth in Neil Barofsky's letter to the Court dated April 6, 2006 (attached hereto as Exhibit A). More specifically, with respect to the schedule for the UK electronic documents, the Parties propose the following modifications:

Defendants will provide to the Government documents they believe are privileged on or before June 12, 2006. The Government will produce back to Defendants the documents which it believes are not privileged no later than July 5, 2006. Defendants will provide the Government with the documents it continues to maintain are privileged by July 12, 2006, and the Parties will meet and confer to try and resolve any outstanding issues by July 19, 2006. As for briefing, the Parties agree that the Government will submit any motion it deems necessary to challenge the assertion of privilege with respect to the UK documents no later than July 28, 2006, with the Defendants' response due on August 4, 2006, and the Government's reply, if any, on August 11, 2006.<sup>1</sup>

Defendants believe that the above modifications are necessitated by problems with and delays in the Government's production of potentially privileged UK electronic files to Defendants. The Government's view is that any delays were the result of the Government's

<sup>1</sup> Because Amerindo US's privilege is implicated in the documents to be reviewed, counsel for Amerindo US will be participating in the privilege review process of the UK electronic materials (including any related motion practice). The proposed schedule is based on counsel for Amerindo US's and the Government's good faith estimates as to how long each task will take, and Amerindo US and/or the Government may seek to extend the deadlines set forth above if any technical difficulties arise with respect to electronic media, or if the volume of documents exceeds current expectations. Defendants and the Government reserve the right to oppose any such application.

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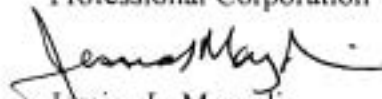
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attempts to satisfy Defendants' requests with respect to the form of the Government's production. The Parties' respective positions are set forth in correspondence attached hereto as Exhibit B.

The Government, counsel for Vilar and counsel for Amerindo US have reviewed this letter and consent to its contents.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

  
Jessica L. Margolis

cc: Neil Barofsky, Esq. (via email)  
Rhonda Jung, Esq. (via email)  
Eugene Licker, Esq. (via email)  
Marc Litt, Esq. (via email)  
Jeffrey Hoffman, Esq. (via email)  
Steven Kobre, Esq. (via email)

The revised schedule regarding the  
review, production and briefing of privilege issues  
is acceptable.

So Ordered.  
  
6/6/06